

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 JEROME CEASAR ALVERTO,

9 Plaintiff,

10 v.

11 DEPARTMENT OF CORRECTIONS, C/O
12 FINCH, C/O PERCIFIELD, C/O
13 GRIJALVA, SGT. C. ROOP, HERBERT C.
14 PENROSE, MICHAEL ESTES, KRISTI
15 ENTROP, DR. JUGUILON, STEPHEN
16 SINCLAIR, RAYMOND BUCHMANN, C/O
17 ADAMIRE, RON FRAKER, ROB
18 JACKSON, COUNSELOR WALKER,
19 KURT GRUBB, C/O DELEON, C/O
20 PALMER, JASON ROMERO, ADELE
21 WILLIAMS, BRYAN MCGARVIE,
22 DARREN HEAWARD, DENISE LARSON,
23 LT. TOM TABER, JASON ULRICH, and
24 STATE OF WASHINGTON,

25 Defendants.

26 No. C11-5572 RJB/KLS

27 **ORDER DENYING MOTION TO
28 COMPEL**

29
30 Before the Court Is Plaintiff's Motion to Compel. ECF No. 62. The Court finds that the
31 motion should be denied because Plaintiff did not include a certification in his motion that he
32 conferred with counsel for Defendants before he filed his motions.

33 While a party may apply to the court for an order compelling discovery "upon reasonable
34 notice to other parties and all persons affected thereby," the motion must also include a
35 certification that the movant has in good faith conferred or attempted to confer with the person or
36 party failing to make the discovery in an effort to secure the information or material without
37 ORDER - 1

1 court intervention.” Fed. R. Civ. P. 37(a)(2)(B). In addition, “[a] good faith effort to confer with
2 a party or person not making a disclosure or discovery requires a face-to-face meeting or a
3 telephonic conference.” Local Rule CR 37(a)(2)(A).

4 The Court anticipates that the parties will confer and make a good faith effort to resolve
5 this discovery dispute without Court interference. If the parties cannot amicably resolve this
6 issue, Plaintiff may file a motion to compel, and shall include a certification stating that their
7 efforts were unsuccessful, and shall identify those areas of disagreement that remain unresolved.
8 The Court will not address any motion which lacks such a certification.

9
10 Accordingly, it is **ORDERED**:

11 (1) Plaintiff’s motion to compel (ECF No. 62) is **DENIED**.

12 (2) The Clerk of the Court shall send a copy of this Order to Plaintiff and to counsel
13 for Defendants.

14
15 **DATED** this 27th day of January, 2012.

16
17 
18 Karen L. Strombom
United States Magistrate Judge